

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

JOHN CERVANTES,)	No. CV-F-05-132 REC/WMW P
)	
)	ORDER DENYING PLAINTIFF'S
Plaintiff,)	MOTION FOR RECONSIDERATION
)	(Doc. 16)
vs.)	
)	
DERRAL G. ADAMS,)	
)	
Defendant.)	
_____)	

The court hereby denies plaintiff's motion for reconsideration. As the court previously ruled, a certificate of appealability is not a precondition to an appeal from the resolution of an action brought pursuant to 42 U.S.C. § 1983. Plaintiff's Notice of Appeal to the Ninth Circuit has been filed with this court and the appeal is presently being processed to the Ninth Circuit where it will be heard pursuant to the Ninth Circuit's schedule.

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1 IT IS SO ORDERED.

2 Dated: September 12, 2005
668554

/s/ Robert E. Coyle
UNITED STATES DISTRICT JUDGE